

13 July 2021

Statement Submitted by **Father Cedric Prakash SJ**  
to the **Tom Lantos Human Rights Commission**

In conjunction with the hearing Religious Freedom Around the Globe  
July 13, 2021

To  
**Rep. James McGovern**  
Co-Chair  
Tom Lantos Human Rights Commission  
5100 O'Neill House Office Building  
200 C Street SW  
Washington, D.C. 20515

**Rep. Christopher Smith**  
Co-Chair  
Tom Lantos Human Rights Commission  
5100 O'Neill House Office Building  
200 C Street SW  
Washington, D.C. 20515

Re: July 13 hearing on **“The State of Religious Freedom Around the Globe”**

Honourable James McGovern and Honourable Christopher Smith and commissioners,

Greetings to you! My name is Fr Cedric Prakash. I am a Jesuit Priest based in Ahmedabad Gujarat, West India. For the past forty years, I am been involved in issues related to human rights, justice, reconciliation and peace here in India and particularly in my home state of Gujarat. For three years (2016-2018) I was based in Beirut, Lebanon, and worked with the Jesuit Refugee Service (JRS) as the Advocacy and Communications Officer. My work necessitated travel and being in touch with refugees and Internally Displaced Persons (IDPs) in Syria, Iraq, Jordan besides Lebanon. In 2002, I had testified in Washington on the plight of the Muslim Minority of Gujarat before the US Commission on International Religion Freedom (USCIRF)

Sirs, my submission however today is about the State of Religious Freedom in India today.

At the outset, I would like to situate this submission in Article 25 of the Constitution of India which guarantees to every Indian Citizen the Right to ‘Freedom of Conscience and free profess, practice and propagation of religion’; this same right is echoed in Article 18 in the Universal Declaration of Human Rights.

Sadly, for the last several religious freedoms are not only being denied to the minorities in the country (particularly to the Muslims and the Christians) but these groups have been the targets of virulent attacks which range from hate speeches to even physical violence.

At this juncture, I would just like to highlight three, among many, key issues which affect religious freedom in India

## 1. **The death of Fr Stan Swamy and the misuse of the draconian UAPA to target dissent.**

On 5 July 2021, 84-year-old Jesuit Fr Stan Swamy died in a hospital in Bombay. He was arrested from his residence in Ranchi Jharkhand on 8 October 2020 on fabricated charges and under the draconian Unlawful Activities Prevention Act (UAPA). Despite his frail physical health complicated by ailments and the fact that he had contracted COVID-19 when he jails- he was denied medical bail which he desperately he pleaded for. A little before he died, the Court allowed him to be treated in a hospital – where for the most time he was under intensive care. His death was unfortunate. Many eminent citizens (and leading editorials) both in India and abroad have spoken out against the way he was treated whilst being incarcerated which led to his death. Most regard this as an institutional murder. The US State Department through its Office of International Religious Freedom tweeted, *“We are saddened by the death of Father Stan Swamy, a Jesuit priest & tribal rights activist, who died in Indian custody under charges of the Unlawful Activities Prevention Act. We call on all governments to respect the vital role of human rights activists in healthy democracies”* He devoted his entire life to the service of the indigenous people – and accompanied them selflessly in their struggle for a most humane, just, equitable, fraternal and dignified life. Some of those who subscribe to the anti-Christian and anti-Muslim rhetoric of the current regime, have now begun spreading a canard that since Fr Swamy was a Christian priest he was indulging in ‘conversion’ activities.

The fact is anyone who voices dissent, challenges the Government is arrested under the UAPA – which has very draconian provisions. A sizeable section of those incarcerated are Muslims and Christians – specifically because of the religion they also profess

## 2. **Anti- Conversion Laws**

Some states in India have now put in place more stringent laws which prevent an adult person of one religion from marrying an adult person from another person. These laws are derogatively referred to as ‘Love Jihad’ laws. In actuality it means that an adult Muslim/Christian male is forbidden to marry an adult Hindu woman; basically, no inter-marriage is allowed; besides these laws also forbid one from embracing another religion. All this subject to the discretion and permission of the Civil authority. In most cases, this is not given. Several States (including Gujarat, Uttar Pradesh, Madhya Pradesh, and Himachal Pradesh) have either amended their existing laws with more stringent provisions or introduced new laws

Take for example the ‘Gujarat Freedom of Religion Act, 2021’ which came into effect a month ago on 15 June 2021, the amendments now include the following:

- The original act of 2003 specified only two categories of allurement or offer of temptation (under Section 2 of the Act): -Any gift or gratification, either in cash or kind, and a grant of any material benefit, monetary or otherwise  
However, the amendment bill proposes a third category

*“better lifestyle, divine blessings or otherwise”.*

- *Insertion of new Section 3A on Lodging of Complaint:*

Any aggrieved person, his parents, brother, sister or any other person related by blood, marriage or adoption may lodge a first information report with the police station having jurisdiction against the person

- *Insertion of new section 4A for Punishment for contravention of provisions Section 3 in case of marriage by unlawful conversion*

Notwithstanding anything contained in Section 4, whoever contravenes the provisions of Section 3, insofar as conversion by marriage or by getting a person married shall be punished with imprisonment which shall not be less than 3 years but which may extend to 5 years and shall also be liable to fine which shall not less than Rs. Two lakhs

- *Insertion of new section 4B on Marriage by unlawful conversion*

Any marriage which is done for the purpose of unlawful conversion by the person of one religion with the person of another religion, either by converting himself/herself before or after marriage shall be declared void by the Family Court or where the Family Court is not established by the Court having jurisdiction to try such cases.

- *Section 4 (C), if any institution or organisation is found contravening the law,* then every person who was in charge or was responsible for violation of law could be punished for imprisonment for three years (may extend up to 10 years) in jail and a fine of up to ₹5 lakh can be imposed.

- *Insertion of section 6A on Burden of Proof*

The burden of proof as to whether a religious conversion was not effected through misrepresentation, force, undue influence, coercion, allurement, or by any fraudulent means or by marriage shall lie on the person who has caused the conversion and, where such conversion has been facilitated by any person by act, omission, aid, abetment or counselling, on such other person.

- *Offences to Be Cognizable and Non Bailable in Section 7*

The offences under the Act have been made Cognizable and Non Bailable and they will be investigated only by an officer who isn't below the rank of Deputy Superintendent of Police

There are several points both in the original Act of 2003 and the recent amendments, which are not only contentious but blatantly unconstitutional. For example, the point of ‘*better lifestyle, divine blessings or otherwise*’: this certainly has far-reaching implications and can have a whole range of interpretations. Let’s talk about ‘better lifestyle’: who decides what is a so-called ‘better lifestyle’? Take the instance of a person whose original religion dictated plenty of fast and penance – now s/he embraces a religion which say, allows eating plenty and perhaps a different type of food and also with less rigorous penance; all of this makes the ‘converter’ a happier person – could this be interpreted as a ‘better lifestyle’?

Then there is the aspect of ‘divine blessing’; for centuries, people from all walks of life have been invoking God’s blessings on each other! So, does it now mean that in Gujarat we can no longer say “*God bless you!*” or invoke God’s blessings (or divine intervention) on another for whatever reason? Strange indeed! Then comes the whole dimension of preaching: the sermons and homilies that Christian priests, religious and catechists give all the time. One speaks about ‘heaven’, ‘eternal life’, ‘finding peace in God’ and so on – does all this contravene the newly amended law? The opposite is ‘divine displeasure’ which may come under this ambit: can one say that one may go to ‘hell’ if one does not obey the commandments of God or maybe even

embrace a particular religion? The icing on the cake is the word ‘otherwise’ – what does it mean legally, is it tenable or does one leave it to the whims and fancies of the so-called interpreter and judge of the law?

These laws are undoubtedly in place to target Muslims and Christians; they are violative of the rights and freedoms guaranteed in the Constitution of India

### **3. Consistent Attacks on Christians and Muslims**

Almost every day we have instances of Muslims and Christians being targeted. They are subject to hate speech and violent attacks. Their houses of worship are demolished and/or taken away from them on flimsy grounds. They are subject to ridicule and denigration in school textbooks. Their minorities to govern their own educational institution are being tampered with. Every effort is made to deny them Government jobs and even stifle their livelihood. Even their dress and food habits are subject to a vicious campaign

Sirs, I have briefly highlighted just three aspects of the State of Religious Freedom in India today. Should you need any clarification or further substantiation or any support documentation to support what I have said here, I am happy to furnish you with the same

I am making this submission to you through ‘Justice for All’ (the Director of its Washington-based Office)

Sirs, I thank you for your kind and patient consideration of this submission. I sincerely hope the Tom Lantos Human Rights Commission will have the necessary impact at every level and in some way ensures that the Government of India will make freedom of religion a reality in the country.

With warm wishes,  
Yours sincerely

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